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4 DANIEL VILLALPANDO, et al.,
5 Plaintiffs,
6 v.
7 EXEL DIRECT INC., et al.,
8 Defendants.
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10 Case No. 12-cv-04137-JCS
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13 **ORDER TO SHOW CAUSE WHY
14 REQUEST TO SEAL SHOULD NOT BE
15 DENIED**
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17 Docket No. 183
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19 Plaintiffs have filed an administrative motion to file under seal an unredacted supplemental
20 brief in support of their motion for summary judgment and excerpts of the deposition of Thomas
21 Moonan (“the Administrative Motion”). Plaintiffs’ request to file under seal is based on the
22 designation of the documents as Highly Sensitive Confidential Information and/or Trade Secrets
23 under the Supplemental Stipulated Protective Order in this case. *See* Docket No. 182. In
24 compliance with Civil Local Rule 79-5(e), Plaintiffs filed a declaration in support of the
25 Administrative Motion identifying the documents sought to be filed under seal and the party who
26 designated those documents as confidential. In addition, the designating party, Williams-
27 Sonoma, Inc. (“WSI”), has filed a declaration in support of the Administrative Motion. *See*
28 Moonan Decl., Docket No. 186.

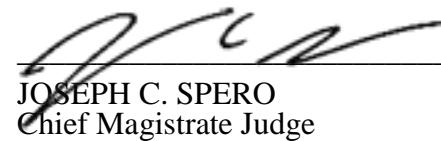
29 The standard that is applied to determine whether documents are sealable depends on
30 whether they are offered in connection with a dispositive or a non-dispositive motion. *Kamakana*
31 *v. City and County of Honolulu*, 447 F.3d 1172, 1178-1179 (9th Cir. 2006). Compelling reasons
32 are required to seal documents in connection with a dispositive motion, such as a motion for
33 summary judgment. *Id.* at 1179 (internal quotations and citations omitted). The Court cannot
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1 determine from the Moonan Declaration that this standard has been met. Moonan references
2 “proprietary designs, processes compilations and methods that occur at every stage of the supply
3 chain.” Moonan Decl. ¶ 6. He also states that the testimony sought to be redacted contains
4 “highly confidential details that have significant competitive value” to WSI, *id.* ¶ 8, and that
5 competitors could “use this information to replicate WSI’s proprietary procedures without
6 spending the time or resources to independently develop them.” *Id.* ¶ 9. WSI has not, however,
7 identified any specific proprietary processes. Nor has it identified the particular information in the
8 Moonan deposition excerpt that would give competitors an unfair advantage; indeed, much of the
9 information in the deposition excerpt is general in nature and does not appear to be confidential.

10 Accordingly, WSI shall submit an additional declaration establishing that there is a
11 compelling reason to seal the specific testimony it has designated as confidential and that the
12 proposed redactions are narrowly tailored to protect only specific information that meets that high
13 standard. This additional declaration shall be filed by **July 24, 2015**. Failure to establish a
14 compelling reason by WSI will result in denial, either in whole or in part, of Plaintiffs’
15 Administrative Motion.

16 **IT IS SO ORDERED**

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18 Dated: July 21, 2015

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JOSEPH C. SPERO
Chief Magistrate Judge

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